

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

BY ELECTRONIC FILING

January 12, 2007

Chief Judge Sue L. Robinson
United States District Court
844 King Street
Wilmington, DE 19801

Re: SRI International Inc. v. Internet Security Systems, Inc., et al.
USDC-D. Del. - C. A. No. 04-1199 (SLR)



Dear Judge Robinson:

ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

We write to apprise your Honor of the status of our appeal of the October 17, 2006 grant of summary judgment of invalidity in this matter. D.I. No. 471. Our briefing on appeal will commence in approximately two weeks. However, following the Court's entry of judgment on October 27, 2006 (D.I. No. 473), SRI's claims for infringement and the Defendants' counterclaims for summary judgment are technically still pending in this matter. The parties agree that finality is needed before briefing on appeal is commenced. As your Honor is aware, the parties filed a Joint Motion for Rule 54(b) Certification in this matter, along with a proposed order granting that motion, on December 19, 2006. D.I. No. 486. The parties agree that Rule 54(b) certification will provide the requisite finality and permit expeditious appellate review of invalidity issues discussed in the October 17, 2006 Memorandum Opinion. In view of impending deadlines for briefing on appeal, we respectfully ask that your Honor consider the parties' pending joint, unopposed motion.

Very truly yours,

/s/ Kyle Wagner Compton
Kyle Wagner Compton

cc: Paul S. Grewal, Esq.
Theresa A. Moehlman, Esq.
Holmes Hawkins, Esq.
Richard L. Horwitz, Esq.
Richard K. Herrmann, Esq.

Suite 1100
919 N. Market Street
P.O. Box 1114
Wilmington, Delaware
19899-1114

Telephone
302 652-5070

Faxsimile
302 652-0607

Web Site
www.fr.com